House of Representatives

General Assembly

File No. 383

House of Representatives, April 5, 2011

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE PENALTY FOR ENGAGING IN CRIMINAL MISCHIEF WHILE OPERATING A MOTOR VEHICLE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1   Section 1. (NEW) (*Effective October 1, 2011*) If any person is convicted
2   of a violation of section 53a-115, 53a-116, 53a-117 or 53a-117a of the
3   general statutes while operating a motor vehicle, or if any passenger in
4   a motor vehicle is convicted of a violation of section 53a-115, 53a-116,
5   53a-117 or 53a-117a of the general statutes, the person operating such
6   motor vehicle shall, in addition to any penalty imposed for such
7   violation, have such person's motor vehicle operator's license
8   suspended for three months and shall perform one hundred twenty
9   hours of community service.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2011*	New section

TRA   *Joint Favorable*

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill will not result in a fiscal impact, as the Department of Motor Vehicles currently suspends an individual's driver's license as a result of a court conviction for the criminal acts specified in the bill. There is no impact to the court operations of the Judicial Department for imposing additional community service penalties.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

HB 6135

AN ACT CONCERNING THE PENALTY FOR ENGAGING IN CRIMINAL MISCHIEF WHILE OPERATING A MOTOR VEHICLE.

SUMMARY:

This bill requires anyone (1) convicted of criminal mischief for crimes committed while driving a motor vehicle, or (2) who was driving a motor vehicle when his or her passenger engaged in criminal mischief to have his or her license suspended for three months and be required to perform 120 hours of community service in addition to any other penalties imposed.

The bill does not specify who must suspend the driver's license or impose the sentence of community service. By law, the Department of Motor Vehicles (DMV) may suspend a driver's license for certain specified reasons. But it would apparently be up to a court to require a driver to perform community service.

The use of a motor vehicle is not an element of the crime of criminal mischief. The bill is unclear about who would find that a motor vehicle was used in committing such a crime, whether a hearing would have to be held before suspending a license, and who would hold such a hearing.

EFFECTIVE DATE: October 1, 2011

BACKGROUND

Criminal Mischief

Criminal mischief laws generally punish someone who damages personal property. There are four degrees of criminal mischief crimes with penalties ranging from a class C misdemeanor (punishable by up

to three months in prison, a fine of up to $500, or both) to a class D felony (punishable by up to five years in prison, a fine of up to $5,000, or both), depending on the value of the property damage caused; the particular property involved; whether the property is on public land; and whether the person charged acted intentionally, recklessly, or, in certain circumstances, negligently.

COMMITTEE ACTION

Transportation Committee

    Joint Favorable
    Yea   36   Nay   0   (03/18/2011)